

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS**

**AMARILLO DIVISION**

**VIVIAN ATKINSON, Individually and as  
the Executrix of the Estate of GENE  
MALCOLM CRAWFORD ATKINSON,  
DECEASED,**

**Plaintiffs,**

**vs.**

**MODERN WOODMEN OF AMERICA,**  
**a fraternal insurance organization,**

**Defendant.**



**CASE NO. 2:08-CV-134-J**

## JURY TRIAL DEMANDED

## ORDER DENYING MOTION FOR PARTIAL SUMMARY JUDGMENT

Before the Court is Defendant's motion, filed February 2, 2009, for partial summary judgment, and the response of the Plaintiffs.

Defendant's motion is denied.

It is SO ORDERED.

Signed this the 4 day of March, 2009.

**MARY LOU ROBINSON**  
United States District Judge